

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:05-CV-753
PLAINTIFF,	:	
	:	
V.	:	
	:	
NINE THOUSAND NINE HUNDRED	:	
EIGHTY DOLLARS IN UNITED	:	
STATES CURRENCY (\$9,980.00),	:	
DEFENDANT.	:	
	:	

DEFAULT JUDGMENT AND DECREE OF FORFEITURE

The United States filed a verified Complaint for Forfeiture in Rem on December 22, 2005 (Doc. 1). This civil forfeiture action in rem is brought to enforce 21 U.S.C. § 881(a)(6), which provides for the forfeiture to the United States of the following:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

A Warrant of Arrest in Rem issued by this Court on December 2, 2005 (Doc. 2) directed the United States Marshal for the Southern District of Ohio to arrest the defendant. The Warrant required any person or entity claiming an interest in the defendant to file a verified claim, that is a statement of interest in or right against the defendant, with the Clerk of the Court within thirty days after receipt of actual or published notice of this action and the arrest of the defendant and to file an answer within twenty days after the filing of the claim. The Warrant further required the plaintiff to publish notice of the arrest of the defendant and the forfeiture action in a newspaper of general circulation in the Southern District of Ohio.

The United States Marshals Service arrested the defendant currency, bringing the defendant within the jurisdiction of the Court on January 9, 2006 (Doc. 6).

The United States served, a copy of the complaint, warrant, summons, and interrogatories by certified mail upon Denise Huffman, through her attorney, James Rion, on January 12, 2006, (Doc. 6) and by certified mail, upon Denise Huffman at her address on January 13, 2006 (Doc. 6). The United States also served, a copy of the complaint, warrant, summons, and interrogatories by certified mail upon Tri-State Health Care, LLC on January 11, 2006 (Doc. 6). The U.S. Postal Service returned executed receipts of delivery (Doc. 6). The summons and warrant directed any person or entity claiming an interest in the defendant to file a claim with the Clerk of the Court within thirty days after receipt of actual or published notice of this action and to file an answer to the United States' complaint within twenty days after the filing of the claim.

The United States published notice of the arrest of the defendant and this civil forfeiture action in the Cincinnati Court Index Press, a newspaper of general circulation in the Southern District of Ohio, on January 19, 26 and February 2, 2006 (Doc. 7).

No person or entity, including Denise Huffman and Tri-State Health Care, LLC, has filed a claim to the defendant or an answer to the United States' Complaint for Forfeiture in Rem, and the time to do so has expired.

On March 7, 2006, the Clerk of this Court entered a default against Denise Huffman, Tri-State Health Care, LLC, the defendant, nine thousand nine hundred eighty dollars in United States currency (\$9,980.00), and all other persons and entities having an interest in the defendant for failure to file a claim and answer pursuant to 18 U.S.C. § 983(a)(4)(A) and (B) and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims (Doc. 9).

Therefore, it is hereby ORDERED that, in accordance with Fed. R. Civ. P. 55(b)(2), 18 U.S.C. § 983(a)(4)(A) and (B), and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims a default judgment is granted to the United States against Denise Huffman, Tri-State Health Care, LLC, the defendant, nine thousand nine hundred eighty dollars in United States currency (\$9,980.00), and all other persons and entities having an interest in the defendant for failure to file a claim and answer.

It is further ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in the defendant is CONDEMNED and FORFEITED to the United States pursuant to 21 U.S.C. § 881(a)(6). All right, title, and interest in the defendant is vested in the United States of America and no right, title, or interest shall exist in any other person or entity. The United States Marshals Service shall dispose of the defendant in accordance with the law.

3/8/06
Date

M H Watson
MICHAEL H. WATSON
UNITED STATES DISTRICT COURT JUDGE